

REMARKS

Applicant has carefully considered the Examiner's Office Action of June 23, 2008. In response thereto the claims have been amended so as to overcome the rejections set forth by the Examiner. The following remarks support the amendments and the allowance of the claims.

Drawings and Specification

The disclosure is objected to because the drawings do not show every feature of the invention specified in the claims. The drawings have been amended to reflect a roof portion 101, a lateral side 102, a box body 103, and a biasing force 104. The amendment to the specification supports the amendment to the drawings and reflects the suggestion made by the Examiner. Therefore the amendment to the drawings and specification overcomes the objection.

The amendment to paragraph [0078] of the specification is based on the descriptions found in paragraph [0076] of the specification and claim 1. The amendment to paragraph [0083] of the specification is based on the descriptions found in paragraph [0083] and Fig. 6. The amendment to paragraph [0141] of the specification is based on the descriptions found in claim 6. No new matter has been added.

Claim Rejections – 35 U.S.C. §112

Claims 5 and 6 are rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The amendments to the claims and drawings reflect the suggestions made by the Examiner. Claims 5 and 6 have been amended to provide proper antecedent basis. Furthermore, the amendments to the figures more clearly show and describe the relationship between a roof portion 101, a lateral side 102, and a box body 103. Therefore the amendments to claims 5 and 6 and the figures overcome the rejections under 35 U.S.C. §112.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 5, 6, and 16 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,554,346 to *Sugimoto*.

Applicant's claim 5, as amended, includes, among other things "the wing door opening/closing apparatus is formed by combining a plurality of wing door opening/closing devices having respective different moment characteristics". *Sugimoto* discloses a variety of wing door opening/closing apparatus. However, *Sugimoto* simply does not disclose where two or more apparatus, having different moment characteristics, are combined and used to open and close wing doors.

The object of the invention of *Sugimoto* is to provide an apparatus for opening and closing a wing door in which a force is uniformly applied upon a

spring. (*Sugimoto*, Col. 2, lines 28-36). The spring serves as a drive power source for opening and closing a wing door. (*Sugimoto*, Col. 2, lines 53-56). This results in a system in which the spring does not apply excessive force to a spring rod when the wing door is opened or closed. (*Sugimoto*, Col. 2, lines 28-36).

Anticipation requires that each limitation of a claim be found in a prior art document exactly as claimed. The Office Action cites to Figs. 1-8, spring 16 and stopper 18 as disclosing every limitation of claims 5, 6 and 16. However, the above rejection does not address several limitations of claims 5, 6, or 16. It is clear that *Sugimoto* simply does not disclose a system where two or more apparatus are combined and used for achieving a specific function. Furthermore, *Sugimoto* does not disclose “a plurality of wing door opening/closing devices having respective different moment characteristics” (emphasis added). The Office Action is silent as to how the apparatus depicted in Figs. 2-8 disclose different moment characteristics as claimed by the Applicant. Because *Sugimoto* does not disclose each and every limitation of claim 5, as discussed above, *Sigumoto* does not anticipate claim 5, and claim 5 should therefore be allowed.

Claims 6 and 16 are allowable because they depend from an allowable base claim. Applicant respectfully submits that *Sigumoto* does not anticipate claims 5, 6, or 16 under 35 U.S.C. § 102(b) based on at least the same arguments as above, and are patentable for at least the same reasons.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 9 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,554,346 to *Sugimoto* and further in view of ordinary skill in the art. The amendments to the claims overcome the rejections under 35 U.S.C. §103(a) because the cited reference does not teach, suggest or make obvious the limitations of the claims. Specifically, as noted above, *Sugimoto* does not disclose combining and using two or more devices as mentioned above. Therefore, *Sugimoto* does not make obvious using at least two devices having different moment characteristics arranged side-by-side along a vertical direction.

The level of ordinary skill in the art does not resolve the deficiency found in the disclosure of *Sugimoto*. Regardless of whether *Sugimoto* is taken alone or in combination, there is nothing contained within *Sugimoto* to motivate a combination thereof in a way that makes the claimed invention obvious. Silence does not motivate, suggest or teach one of skill in the art to modify *Sugimoto* so as to make the pending claims obvious. The differences between the cited documents and the claimed invention lead to a conclusion that the claimed invention would not have been obvious to one of ordinary skill in the art.

Applicant respectfully submits that *Sigumoto* in view of ordinary skill in the art does not teach, suggest or make obvious claims 9 and 15 under 35 U.S.C. § 103(a) based on at least the same arguments as above, and are patentable for

Applicant: Masaki Hori
Serial No.: 10/623,832
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at least the same reasons. Furthermore, claims 9 and 15 are allowable because they depend from an allowable base claim.

Thus, for at least the above reasons, the pending claims are allowable and allowance of the application is respectfully requested.

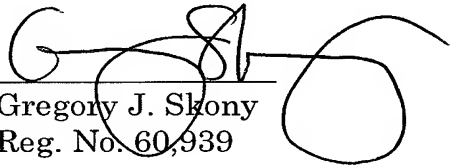
Applicants believe that there is no fee due in connection with the present response. If, however, there is a fee due or any petition due, Applicants respectfully request that this paper constitute any such petition and authorizes the Commissioner to hereby charge any underpayment, or credit any overpayment, to Deposit Account No. 23-0920.

Should the Examiner have any questions or concerns regarding this election requirement, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

**HUSCH BLACKWELL SANDERS
WELSH & KATZ, LTD.**

By


Gregory J. Skony
Reg. No. 60,939

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120 South Riverside Plaza, Suite 2200
Chicago, IL 60606
(312) 655-1500